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NO. 85-1137

In the Supreme Court of the United States

OCTOBER TERM, 1985

SUCCESSION OF HUBERT BURAT (BURAS),
Plaintiff-Appellants

versus

THE BOARD OF LEVEE COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
OF THE STATE OF LOUISIANA, ET AL.,
Defendants-Appellees

ON APPEAL FROM THE SUPREME COURT OF
THE STATE OF LOUISIANA

MOTION TO DISMISS

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NO. 85-1137
IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1985

SUCCESSION OF HUBERT BURAT (BURAS),
Plaintiffs-Appellants

versus

THE BOARD OF LEVEE COMMISSIONERS
OF THE ORLEANS LEVEE DISTRICT
OF THE STATE OF LOUISIANA, ET AL.,
Defendants-Appelees

MOTION TO DISMISS

Appellees,[1] pursuant to Rule 16 of the Rules of the Supreme Court of the United States, move that the appeal herein be dismissed for want of appellate jurisdiction, for failure to comply with Rule 15 of the Supreme Court of the United States, because the Federal questions sought to be raised are unsubstantial; and because the judgment below rests on adequate non-federal grounds.

STATEMENT OF THE CASE

The heirs of Hubert Burat, out of possession for over

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[1] The Board of Levee Commissioners of the Orleans Levee District of the State of Louisiana; Chevron U.S.A. Inc. (Parent - Chevron Corporation), Chevron Pipe Line Company; Gulf Refining Company; Louisiana Power & Light Company (Parent - Middle South Utilities, Inc.; Subsidiaries and/or Affiliates - Arkansas Power & Light Company; Mississippi Power & Light Company; New Orleans Public Service, Inc.; Middle South Energy, Inc.; Middle South Services, Inc.; System Fuels, Inc.; Electec); Shell Oil Company (Subsidiaries - Shell California Production, Inc.; Shell Offshore, Inc.; Shell Western E&P, Inc.); and Estate of William G. Helis, and Helis Enterprises, Inc.

100 years, brought this petitory action, which is the Louisiana civil law equivalent of the common law action in ejectment, seeking to be declared owners of certain lands on the left (east) bank of the Mississippi River. Since well before 1925, the lands have been in possession of defendants or their ancestors in title. In 1925, the Board of Commissioners of the Orleans Levee District, for use as a spillway, purchased or expropriated the lands from the persons then in possession thereof. These persons were not in privity with the Burats.

The Trial Court, after a lengthy evidentiary hearing, sustained a defense of acquisitive prescription, holding that the title of the Burats had been divested by the adverse possession (for over 30 years) exercised by defendants and their ancestors in title. Opinion at Appendix to Original Petition (hereinafter the "Appendix"), Vol. II, p. 24. The Court of Appeal affirmed, holding that the Levee Board, by a series of deeds and judgments of expropriation, had acquired in the aggregate all of the property claimed by the Burats and that the Burat claims had been extinguished by the adverse possessions of defendants and their predecessors. *Succession of Burat (Buras) v. The Board of Levee Commissioners, et al.*, 469 So.2d 1022 (La. App. 4th Cir. 1985), Appendix, Vol. II, p. 1, *reh'g denied*, Appendix, Vol. II, p. 35.

The Court of Appeal, like the Trial Court, held that the title had passed out of the United States at least by 1842 when the Congress confirmed the claim of Hubert Burat. *Id.*

The Louisiana Supreme Court denied certiorari. *Succession of Hubert Burat v. Board of Levee Commissioners, et al.*, 475 So.2d 1095 (La. 1985), Appendix, Vol. II, p. 36.

ARGUMENT

1. The Jurisdictional Statement ("Petition") herein does not comply with Rule 15 of this Court. It does not even cite the state statute the constitutionality of which is claimed to have been sustained against Appellants' constitutional attack; much less does it quote same verbatim. Rule 15(f). It does not show the stage in the proceedings at which the questions sought to be reviewed were raised nor the manner of raising them. Rule 15(g). Nor does it give any adequate explanation of the reasons why the questions presented are so substantial as to require plenary consideration. Rule 15(h).

There is no showing that the validity of any particular state statute was sustained as against federal constitutional attack. Rather, it appears that the Appellants' complaint is that the adverse decisions below amounted to a denial of assertions of federal rights rather than a validation of a state statute. *Cf. Mergenthaler Linotype Co. v. Davis,* 251 U.S. 256, 259 (1920); *Hanson v. Denckla,* 357 U.S. 235, 254 (1958).

In short, there is no showing sufficient to warrant the exercise of this Court's appellate jurisdiction.

2. The keystone of the Appellants' argument is that the title did not emanate from the Federal government until 1972 when the belated United States patent was issued to Hubert Burat. Unless Appellants are correct in this contention, their whole case must fall; and no other federal question sought to be raised would be material or substantial. Yet, this very issue has long been foreclosed and is itself unsubstantial.

This lack of substance is highlighted in the prior federal proceedings herein. The Burats first filed this suit

in the United States District Court for the Eastern District of Louisiana. The District Court rejected their claim that the question when title came out of the United States presented a substantial federal question and dismissed the matter for lack of jurisdiction, saying:

> "[T]he Supreme Court has so often held that title to land passes out of the United States upon confirmation by Act of Congress, not upon subsequent issuance of the patent that the question is no longer open to discussion. *McGilvra v. Ross*, 215 U.S. 70, 54 L.Ed. 95 (1909); *Langdeau v. Hanes*, 88 U.S. 521, 22 L.Ed. 606 (1875); *Grignon v. Astor*, 2 How. 319, 11 L.Ed. 283 (1844); *Joplin v. Chachere*, 192 U.S. 94, 48 L.Ed 359 (1904); *McNee v. Donahue*, 142 U.S. 587, 35 L.Ed 1122 (1892); *Gouner v. Polmer*, 156 F.2d 207 (5th Cir. 1946); *Sanchez v. Deering*, 298 F. 286 (5th Cir. 1924), *aff.* 270 U.S. 227, 70 L.Ed. 556 (1926)." (Emphasis added)(copy attached, p. A-1 hereof).

The Fifth Circuit affirmed. *Heirs of Burat (Buras) et al. v. Board of Levee Commissioners of Orleans Levee District of State of Louisiana, et al.*, 496 F.2d 1336 (5th Cir. 1974), *reh'g denied.* The Court said:

> "The District Court, with a good statement of reasons, dismissed the complaint for lack of federal jurisdiction of the subject matter. We affirm." 496 F.2d at 1337.

Continuing, the Fifth Circuit said:

> "That land title and possessory actions are normally not the business of federal courts is not

> questioned by plaintiffs and is such a firm concept that it needs no amplifications. *See, e.g.*, Beauregard v. New Orleans, 59 U.S. (18 How.) 497, 15 L.Ed. 469 (1855); White v. Burnley, 61 U.S. (20 How.) 235, 15 L.Ed. 886 (1857); Mays v. Kirk, 414 F.2d 131 (5th Cir. 1969); *cf.* **Aaron v. Florida Gas Transmission Co.**, 412 F.2d 802 (5th Cir. 1969)." 496 F.2d at 1338.

The Court denied certiorari. *Heirs of Burat (Buras), et al. v. Board of Levee Commissioners of Orleans Levee Disrict of State of Louisiana, et al.*, 419 U.S. 1049 (1974).

3. The question sought to be raised as to the right of a sovereign to acquire property by adverse possession, even though prescription could not run against the sovereign, has been foreclosed since 1893 by the decision of this Court in *Stanley v. Schwalby*, 147 U.S. 508 (1893).

There seems to be no reason why a state may not confer immunity from acquisitive prescription upon a state agency, such as a levee board, without depriving any citizen of equal protection. If it is not unconstitutional for the state to be so treated, there is no reason why similar treatment of its agency should suffer from constitutional infirmity.

4. The judgment below rests on adequate non-federal grounds. The Appellants apparently argue that, regardless of when title came out of the United States, the Levee Board could not acquire by adverse possession. The Appellants do not question that private persons could do so. The State Court held that the title of the Burats had been divested and acquired by private persons long before the Levee Board acquired the land. Hence, defendants would prevail regardless of whether a public body could constitutionally acquire by adverse possession.

5. There is no real or conceptual conflict between the Louisiana decision herein and that of the Supreme Court of Alaska in *Ault v. State of Alaska*, 688 P.2d 951 (1984). In *Ault*, the Supreme Court of Alaska reversed a summary judgment on the grounds that questions of fact presented by the case made it inappropriate for summary judgment. Because of what it called "tension" between the state's ability to acquire land by adverse possession and its inability to expropriate or otherwise "take" without just compensation, it was necessary that the Court "narrowly construe the circumstances under which the state may acquire property by adverse possession." *Id.*, at p. 956. This is not a holding that a sovereign may not acquire by adverse possession; it is merely an admonition of the care that should be taken as to the niceties of state law in such an exercise. Here, after extensive evidentiary hearings on the exceptions, and careful consideration by the District Court, the Court of Appeal, and the Supreme Court of Louisiana, the right of the state agency under state law to the acquisition of the property was maintained; thus giving the Louisiana Courts an opportunity to "narrowly construe" the circumstances in question.

6. This is not a case which is likely to recur or to have broad effect, nor is it one which the Court should consider as important for any other reason. At this late date, over 180 years after the Louisiana Purchase, problems related to titles arising under the Spanish sovereignty of Louisiana are not likely to recur and, in any event, the rules of law respecting these titles were settled long ago. The United States does not assert any title to the land involved in this suit and could not have asserted same as against these heirs since 1842. Indeed, the decision of the Interior Department, which in 1972 directed that a patent issue to

Burat, explicitly stated:[2]

> "[T]he United States has no claim because of the confirmation of the Burat claim..."

It should also be remembered that the 1972 patent contains the following language:[3]

> "This patent shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interefere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land."

CONCLUSION

It is respectfully submitted, therefore, that the Appellants have failed to show that this Court has appellate jurisdiction of this case; have failed to show that there is any substantial question for decision by this Court, or that such a question was properly raised. The judgment below rests on adequate non-federal grounds. Accordingly, the appeal should be dismissed and no writ should be granted.

Respectully submitted,

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[2] Found in record as App. D-4, Item 12. Copy attached p. A-5

[3] Found in record as App. D-4, Item 13. Copy attached p. A-11

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APPENDIX A

Minute Entry
April 23, 1973
Cassibry, J.

CIVIL ACTION
NO. 72-1798
SECTION "E"

HEIRS OF HUBERT BURAT (BURAS)
versus
BOARD OF LEVEE COMMISSIONERS OF THE ORLEANS LEVEE DISTRICT OF THE STATE OF LOUISIANA; LOUISIANA WILDLIFE & FISHERIES COMMISSION; GULF REFINING CO.; STANDARD OIL OF CALIFORNIA; SHELL OIL CO.; ESTATE OF WILLIAM G. HELIS, his heirs and assigns; CHEVRON OIL CO.; LOUISIANA POWER & LIGHT CO., (formerly known as PEOPLES UTILITIES, INC.); and PHILIP A. GROVE

This cause came on for hearing on September 27, 1972 on motions to dismiss for lack of federal jurisdiction, filed on behalf of defendants Board of Levee Commissioners of the Orleans Levee District of the State of Louisiana, Gulf Refining Company, Shell Oil Company, Estate of William G. Helis, his heirs and assigns, Louisiana Power & Light Company (formerly known as Peoples Utilities, Inc.) and Philip A. Grove and Chevron Oil Company, was argued and submitted.

After due consideration thereof IT IS ORDERED, ADJUDGED AND DECREED that defendants motions be, and they are hereby, GRANTED.

/s/ Fred J. Cassibry
UNITED STATES DISTRICT JUDGE

REASONS

This non-diversity action involves the title to certain land in Plaquemines Parish, Louisiana. The defendants moved to dismiss for failure of the complaint to state the existence of a federal question. This Court has closely examined the question and has concluded that this case does not arise under the Constitution, laws, or treaties of the United States within the meaning of 28 U.S.C.A. §1331.

Plaintiffs request judgment declaring (a) that they, as a class representing the heirs of Hubert Burat, recieved good title to the lands from the United States by patent dated May 24, 1972, retroactive to July 6, 1842, the date of the Act of Congress confirming the private claim of Hubert Burat, pursuant to which the patent issued; and (b) that the Act and/or Acts of Expropriation against the land by defendant, the Board of Levee Commissioners of the Orleans Levee District, were in violation of the Constitution of the United States.

The complaint does not specify the federal question relied upon for jurisdiction; therefore, the Court has examined all allegations which might be considered as such. These allegations in summary are: (1) that plaintiffs' title to the lands derived from a United States Patent issued on May 24, 1972 pursuant to a private claim confirmed by Act of Congress on July 6, 1842; (2) that the United States was the owner of the lands during the interim, but the patent had retroactive effect to the date of confirmation, and (3) that the Board of Levee Commissioners wrongfully assumed ownership of the lands by various acts of expropriation during the period 1924 through 1930 in excess of its authority and in violation of the Constitution of the United States.

As to the first possible basis, the fact that title comes from a patent or under an Act of Congress does not show a federal question. *Joy v. St. Louis,* 201 U.S. 332, 50 L.Ed. 776 (1906); *Florida Central & Peninsular Railroad Co. v. Bell,* 176 U.S. 321, 44 L.Ed. 486 (1900); *Shulthis v. McDougal,* 225 U.S. 561, 56 L.Ed. 1205 (1912); *Kirklin v. Ellerbe,* 278 F. 168 (5th Cir. 1922).

As to the second, the Supreme Court has so often held that title to land passes out of the United States upon confirmation by Act of Congress, not upon subsequent issuance of the patent that the question is no longer upon to discussion. *McGilvra v. Ross,* 215 U.S 70, 54 L.Ed 95 (1909); *Langdeau v. Hanes,* 88 U.S. 521, 22 L.Ed. 606 (1875); *Grignon v. Astor,* 2 How. 319, 11 L.Ed 283 (1844); *Joplin v. Chachere,* 192 U.S. 94, 48 L.Ed. 359 (1904); *McNee v. Donahue,* 142 U.S. 587, 35 L.Ed. 1122 (1892); *Gouner v. Polmer,* 156 F.2d 207 (5th Cir. 1946); *Sanchez v. Deering,* 298 F. 286 (5th Cir. 1924), *aff.* 270 U.S. 227, 70 L.ed. 556.

The allegations with respect to the unconstitutional expropriation, forming the third possible basis, are not essential to plaintiffs' cause of action. This is a petitory action, similar to the common law action at law in ejectment, in which the essential allegations are that the plaintiffs have title to the lands in possession of the defendants. Allegations regarding expropriation are matters of defense. For the purpose of creating federal question jurisdiction, plaintiffs may not anticipate defenses by alleging more than the essential allegations of a well pleaded complaint. *Gully v. First National Bank,* 299 U.S. 109, 81 L.Ed. 70 (1936). *Taylor v. Anderson,* 234 U.S. 74, 58 L.Ed. 1218 (1918); *Huckins v. Duval County, Florida,* 286 F.2d at 49 (5th Cir. 1960); *Joy v. City of St. Louis, supra,*

Mays v. Kirk, 414 F.2d 131, 132 (5th Cir. 1969), 1 Moore Fed. Practice, §0.60 (8-3), p. 632.

The fact that plaintiffs ask for declaratory and injunctive relief does not change their cause of action so as to confer federal jurisdiction where it would not otherwise exist. *White v. Sparkill Realty Corporation*, 280 U.S. 500, 74 L.Ed. 578 (1930); *Urban Renewal Authority for City of Trinidad v. Daughtery*, 271 F.Supp. 729 (Colorado 1967); *Lang v. Colonial Pipeline Company*, 266 F.Supp. 552 (E.D. Penn. 1967), 2 Moore Fed. Practice, §2.07(3), pp. 404-405. The claim for damages is entirely dependent upon the claim of ownership and, of course, must also be dismissed for lack of jurisdiction. *See Tircuit v. Burton-Swartz Cypress Co.*, 162 La. 319, 110 So. 489 (1926), *Florida Central & Peninsular Railroad Co. v. Bell*, and others cases cited above.

In addition to the complaint the Court has also considered the contentions presented by the plaintiffs in memorandum brief and in oral argument to determine whether plaintiffs can, by amending their pleadings, state a case arising under the Constitution, laws or treaties of the United States, within the meaning of 28 U.S.C.A. §1331. For one or more of the reasons assigned above, the court is of the opinion that the jurisdictional defect in plaintiffs' complaint cannot be cured by amendment.

Accordingly, let judgment be entered herein, dismissing plaintiffs' suit for lack of jurisdiction.

APPENDIX B

United States Department of the Interior
Bureau of Land Management
Washington, D.C. 20240

(May 23 1972, stamped)
Memorandum

To: Eastern States Land Office
From Chief, Division of Lands and Realty
Subject: Patent for Private Land Claim

By letter of January 31, 1972, Peter C. La Dart, attorney for the Succession of Hubert Burat, filed application for the issuance of a patent for secs. 29, 30, 31, and 32, T. 19 S., R. 16 E., St. Helena Meridian, Louisiana. The land is represented on the Bureau records as the private land claim of Hubert Burat.

Section 14 of the Act of March 26, 1804 (2 Stat. 283) provided for the recognition of bona fide grants for lands actually settled on by persons claiming title thereto, if such settlement was made prior to December 20, 1803. Section 2 of the Act of March 2, 1805 (2 Stat. 324) provided for the donation to the occupants of tracts settled on, using the phrase "shall be granted." The 1805 Act also provided for the recording and examination of the claims and the presentation of them to the Congress. These acts were supplemented several times up to the Act of February 6, 1835 (4 Stat. 749) which gave a "last" chance to present claims under all the preceding claim acts.

Pursuant to the Act of February 6, 1835 (4 Stat. 749), the Register and Receiver at New Orleans, acting as Com-

missioners for private claims, listed the claim of Hubert Burat as No 60 in Class "B" of their report of November 22, 1837 ("K" Volume 90, at the National Archives). The report stated that the claim was based on occupation and cultivation of the land on December 20, 1803, and for eight years prior thereto. The Burat claim was confirmed by Section 1 of the Act of July 6, 1842 (5 Stat. 491). The 1842 Act provides that the confirmation shall be a quitclaim of the interests of the United States.

The Burat claim was duly surveyed and is shown on the township plat of survey approved on October 24, 1854, and on the particular plat of survey of the claim, approved October 24, 1885, as covering secs. 29, 30, 31, and 32, T. 19 S., R. 16 E., St. Helena Meridian, Louisiana, containing a total of 707.46 acres. The claim having been confirmed and surveyed in place, the equitable title to the lands included therein passed from the United States and this office would have no jurisdiction over any further disposal of the land or any interests therein, except the ministerial duty of issuing a patent therefor in accordance with the confirmation by the Congress, upon a proper request made for that purpose.

Bureau records show that the lands in the claim were purchased by various parties under four cash entries, Nos. 1285, 1286, 1290, and 1291, New Orleans series. Patents for these entries were issued to Andrew Hodge, Jr., assignee, on November 5, 1839, for No. 1285, and on December 11, 1838, for the three other entries, patents recorded in Bureau patent record volume 1, at pages 445, 223, 224, and 225, respectively. The assignments to Hodge were legal under the then existing laws.

Subsequently, H. F. Deblieu, attorney for the residuary legatees of Andrew Hodge, Jr., applied for repay-

ment where a purchase is "void" by reason of a prior sale by the United Staes, by confirmation of a French, British, or Spanish grant or for want of title in the United States from other cause. The Secretary of the Interior approved the request for repayment on March 30, 1861, for these and other entries included in the repayment application. By letter of April 2, 1861, the Commissioner of the General Land Office referred the case to the First Comptroller of the Treasury for payment. Evidence is of record showing the money was paid as requested. In connection with the request for repayment, secs. 29 and 32, among other lands, were deeded to the United Staes by H. F. Deblieux, attorney for Ledyard Hodge and Andrew Hodge Sands, residuary legatees of Andrew Hodge, Jr., by deed dated January 25, 1861, and recorded as Act No. 2064 in Book 14 of Conveyances, at page 21, records of Plaquemines Parish, Louisiana. The approval of and the repayment were an adjudication that the purchases as to secs. 29 and 32 were "void" within the meaning of the 1825 Act, *supra*. The adjudication was made by the authorized officers of the Government, has never been appealed, and no reason appears why it should not be held to be binding. The purchases with respect to secs. 29 and 32 having duly found to be void, any cloud on the Burat claim as to these tracts was eliminated and the claim was satisfied in place and title insured to Burat on secs. 29 and 32.

It should be noted that while no reconveyance has been shown as to secs. 30 and 31, the patents for these lands are, at least, voidable, because they were issued on December 11, 1838, a little over one year after the report had been made recommending confirmation of the Burat claim. Since the same parties, the Register and Receiver at New Orleans, acted both on the acceptance and approval of

the two cash entries and in making and submitting the report covering the Burat claim for the same lands, there was either error or oversight on their part in failing to recall the cash entries before patents were issued on them. However, because of the long lapse of time, and the possible involvement of third-party interests unknown to this office, no action will now be taken to effect any cancellation of Cash Entries 1290 and 1294 covering secs. 30 and 31.

On February 11, 1888, in the case of the *Succession of Hubert Buras or Burat,* No. 156, the 24th Judicial District Court appointed James Wilkinson, District Attorney, as Curator of the estate of the late Hubert Buras or Burat. The purpose of these proceedings was for the disposal of unadministered property of the decedent at the time of his death; that is, the right to the issuance of location certificates under Section 3 of the Act of June 2, 1858 (11 Stat. 294). These certificates were claimed on the ground that the United Staes had sold the lands included in the Burat claim. The certificates have since been located on other lands not of interest here. In 1888, it was not a prerequisite to the issuance of scrip that the "unsatisfied" claim be reconveyed or relinquished to the United States, and no such action was taken. In light of the aforementioned facts, the issuance of the scrip was erroneous. However, since title to the lands acquired with the use of these certificates is now in third parties, no action may now be taken with respect to the certificates or the land acquired thereunder.

Section 2447, Revised Statutes (43 U.S.C. 1151) provides for the issuance of patents on claims to land which had been confirmed by law, prior to December 22, 1854, which confirmation act made no provision for the issuance of a patent. However, such patents shall only "operate as

a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judical tribunal between adverse claimants to the same land."

Patent Certificate No. 166 was issued on October 30, 1885, by the Land Office at New Orleans for secs. 29, 30, 31, and 32, T. 19 S., R. 16 E., St. Helena Meridian, Louisiana, containing 707.46 acres, for the private land claim of Hubert Burat. In view of the reconveyance of sec. 29 and 32 to the United States, and the possible question as to the patents for secs. 30 and 31, to all which the United States has no claim because of the confirmation of the Burat claim, the official records should be properly cleared with respect to all four sections.

Accordingly, the following actions will be taken:

1. Make the following notation on the margin of the patents for secs. 29 and 32, without cancelling the patents:

"Reconveyed to the United States by H. F. Deblieux, attorney of Ledyard Hodge and Andrew Hodge Sands, legatees of Andrew Hodge, Jr.; recorded as Act No. 2064 in Book 14 of Conveyances, page 21, records of Plaquemines Parish, Louisiana. Purchase money refunded on Cash Entry 1285 and 1286. See Secretary's order March 31, 1861. Evidence filed in Cash Entry 1310."

2. Make the identical notation on the tract book alongside the entries for secs. 29 and 32.

3. Approve for patenting the Patent Certificate No. 166 described above, now in PLC Docket No. 664, Louisiana, filed with this record.

4. Issue a patent in the name of Hubert Burat (Buras) for secs. 29, 30, 31, and 32, T. 19 S., R. 16 E., St. Helena Meridian, Louisiana, containing 707.46 acres, according to the plat of survey approved October 24, 1854, and the particular plat of the claim approved on October 24, 1885. The patent should cite the confirmatory Act of July 6, 1842 (5 Stat. 491), and should contain the following clause:

"This patent shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interefere with any valid adverse right to the same land, nor by construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land."

5. After the patent has been issued on the Burat claim, the record of the four patents on Cash Entries 1285, 1286, 1290, and 1294, should be noted in the margin thereof as to the number and date of the Burat patent.

/s/ G. Bingham

APPENDIX C

Form 1860
(January 1965)
(formerly 4-1010)
Eastern States 10704

The United States of America,
To all to whom these presents shall come, Greeting:

WHEREAS, There is now deposited in the Bureau of Land Management, evidence whereby it appears that the Private Land claim of Hubert Burat (Buras), being Claim No. 60 of the Report of the Register and Receiver dated November 22, 1837 for land claims in Plaquemines Parish, was confirmed by Section 3 of the Act of July 6, 1842 (5 Stat. 491), and that the said claim has been regularly surveyed and described as follows:

St. Helena Meridian, Louisiana
T. 19 S., R. 16 E.,
Sec. 29, A11;
Sec. 30, A11;
Sec. 31, A11;
Sec. 32, A11.

The area described contains 707.46 acres, accordingg to the plat of survey approved October 24, 1854 and the particular plat of the claim approved October 24, 1885, on file in the Bureau of Land Management:

NOW KNOW YE, that the UNITED STATES OF AMERICA, in consideration of the premises, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said Hubert Burat (Buras), and to his heirs, the land above desribed; TO HAVE AND TO

HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Hubert Burat (Buras), and to his heirs and assigns forever.

This patent shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Silver Spring, Maryland the TWENTY-FOURTH day of MAY in the year of our Lord one thousand nine hundred and SEVENTY-TWO and of the Independence of the United States the one hundred and NINETY-SIXTH.

By /s/ illegible
Manager, Eastern States Land Office

[SEAL]

Patent Number 1242435